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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,032

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David S. Zakrewski

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EXAMINER

CHARIOUL, MOHAMED

ART UNIT

PAPER NUMBER

2857

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/734,032

Applicant(s)

ZAKREWSKI, DAVID S.

Examiner

MOHAMED CHARIOUI

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-31 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 20 recites "the sensitivity of the motion sensor is adjusted to exclude a pet when the signal is received" in lines 1-2. One of ordinary skill in the art would not be enabled to how to make/use this invention because neither claim nor the specification does define what a pet would be so that the detector would differential between a person and a pet.

Claim 23 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 23 recites "the sensitivity of component is adjusted to exclude a pet when the remote generated signal is received" in lines 1-2. One of ordinary skill in the art would not be enabled to how to make/use this invention because neither claim nor the

specification does define what a pet would be so that the detector would differential between a person and a pet.

Claim 26 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 26 recites "the sensitivity of component is adjusted to exclude a pet when the remote generated signal is received" in lines 1-2. One of ordinary skill in the art would not be enabled to how to make/use this invention because neither claim nor the specification does define what a pet would be so that the detector would differential between a person and a pet.

Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 29 recites "the sensitivity of the motion sensor is adjusted to exclude a pet when the signal is received" in lines 5-6. One of ordinary skill in the art would not be enabled to how to make/use this invention because neither claim nor the specification does define what a pet would be so that the detector would differential between a person and a pet.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites "the sensitivity of the motion sensor is adjusted to exclude a pet when the signal is received" in lines 1-2. It is unclear from the claim and the specification how the detector would discriminate between a person and a pet since a pet can have different sizes (for instance a pet could be a big dog and a person could be a small child).

Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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a pet can have different sizes (for instance a pet could be a big dog and a person could be a small child).

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites "the sensitivity of the motion sensor is adjusted to exclude a pet when the signal is received" in lines 1-2. It is unclear from the claim and the specification how the detector would discriminate between a person and a pet since a pet can have different sizes (for instance a pet could be a big dog and a person could be a small child).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-8 and 12-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanczak et al. (U.S. Patent No. 5,903,217) in view of Thacker et al. (U.S. Pub. 2002/0173940).

As per claim 1, 8 and 31, Stanczak et al. teach a transceiver for transmitting a signal to said detector in response to receiving a challenge signal from said motion detector (see col. 8, lines 32-47 and col. 2, lines 27-48), the signal being a non-user activated signal (see col. 2, lines 27-48 and col. 8, lines 48-66); and a control for

controlling the transmitter to transmit the signal, the signal adjusting the sensitivity of the motion detector (see col. 9, lines 5-9).

Stanczak et al. fail to teach that the transmitter is remote from the motion detector.

Thacker et al. teach this feature (see paragraphs [0020] and [0046]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Thacker et al.'s teaching into Stanczak et al.'s invention because it would allow an operator to quickly and easily adjust the sensor's output. Therefore, activation of the intrusion indicator would be performed only when the output signal is above the acceptable range.

As per claim 2, Stanczak et al. further teach a user interface device for receiving a user command; wherein the control is responsive to the user command received by the user interface device for controlling the transmitter to transmit the signal for adjusting the sensitivity of the motion detector (see col. 4, lines 43-51 and col. 8, line 60 to col. 9, line 9).

As per claim 3, Stanczak et al. further teach that the user command sets a schedule for controlling the sensitivity of the motion detector (see col. 7, lines 4-31).

As per claim 4, Stanczak et al. further teach that the user command sets a sensitivity level for the motion detector (see col. 7, lines 4-31).

As per claim 5, Stanczak et al. further teach the signal for adjusting the sensitivity of the motion detector comprises a command to change a pulse count of the motion detector (see col. 8, line 60 to col. 9, line 9 and col. 6, line 65 to col. 7, line 19).

As per claim 6, Stanczak et al. further teach that the signal for adjusting the sensitivity of the motion detector comprises a command to change an optical gain of the motion detector (see col. 7, line 58 to col. 8, line 6).

As per claims 7, Stanczak et al. further teach that the signal for adjusting the sensitivity of the motion detector comprises a command to change a sensitivity of a sensing component of the motion detector (see col. 7, line 58 to col. 8, line 6).

As per claims 13, Stanczak et al. further teach that the remotely-generated signal comprises a command to change an optical gain of the component (see col. 7, line 58 to col. 8, line 6).

As per claims 8, 14 and 18, Stanczak et al. further teach that the signal is a wireless signal (see col. 2, lines 26-33).

As per claims 12, 14, 16 and 18, Stanczak et al. further teach a component for sensing electromagnetic radiation that is indicative of the presence of a living being; a control responsive to the component for determining, in accordance with the sensed electromagnetic radiation, whether to trigger a signal indicating that the living being has been detected (see col. 2, lines 26-33); and a transceiver for receiving challenge signal from said detector for adjusting a sensitivity of the motion detector, the remotely-generated signal being a non-user activated signal (see col. 8, lines 32-47 and col. 2, lines 27-48); wherein the control is responsive to the remotely-generated challenge signal for adjusting a sensitivity with which the component senses the electromagnetic radiation (see col. 8, lines 48-66; col. 9, lines 5-9; col. 10, lines 32-49 and col. 7, lines 58-67).

Stanczak et al. fail to teach that the signal for adjusting the sensitivity of the motion sensor is received remotely.

Thacker et al. teach this feature (see paragraphs [0020] and [0046]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Thacker et al.'s teaching into Stanczak et al.'s invention because it would allow an operator to quickly and easily adjust the sensor's output. Therefore, activation of the intrusion indicator would be performed only when the output signal is above the acceptable range.

As per claims 15 and 19, further teach that the remotely-generated signal is responsive to an adjustment instruction received via a communication interface (see col. 7, lines 1-11).

As per claim 17, Stanczak et al. further teach the remotely-generated signal comprises a command to change a pulse count that the control uses as a decision parameter (see col. 8, line 60 to col. 9, line 9 and col. 6, line 65 to col. 7, line 19).

As per claims 20, 23, 26 and 29, Stanczak et al. further teach that the sensitivity of the motion sensor is adjusted to exclude a pet (as disclosed in the specification of the present application pet is excluded when it moves around the room so the pet won't be approaching the door, therefore the sensitivity will be low and the door won't be open, this limitation is considered to be inherent) when the signal is received, the adjusted motion detector remaining sensitive to detection of intrusion by a person (see col. 8, lines 29-38).

As per claims 21, 24 and 27, Stanczak et al. further teach that the sensitivity of the adjusted motion sensor is returned to an unadjusted state when the signal is not received after a predetermined interval (see col. 8, lines 32-47; col. 4, lines 64-67; and col. 9, lines 18-31).

As per claims 22, 25 and 28, Stanczak et al. further teach that the signal is transmitted in response to a challenge signal broadcast by the motion detector (see col. 8, lines 32-47; col. 4, lines 64-67; and col. 9, lines 18-31).

As per claim 30, Stanczak et al. teach a transmitter for transmitting a signal at one of a predefined transmission rate, (see col. 5, lines 1-13 and col. 9, lines 9-19) continuously, and upon receipt of a challenge signal from the motion detector (see col. 9, lines 9-19); and a control for controlling the transmitter to transmit the signal, the signal adjusting the sensitivity of the motion detector (see col. 6, line 65 to col. 7, line 31) wherein the motion detector does not notify a control panel that an intrusion has been detected based upon the continuously transmitted signal (see col. 4, lines 43-51 and col. 8, line 60 to col. 9, line 9).

4. **Claims 9-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanczak et al. in view of Thacker et al. and Tendler (U.S. Pub. No. 2004/0100386).

As per claims 9 and 10, Stanczak et al. in view of Thacker et al. teach the system as stated above except for a pet collar for carrying a portable housing in which a transmitter and control are provided.

Tendler teaches this feature (see paragraphs [0008] and [0024]). It would have been obvious to one having ordinary skill in the art at the time the invention was made

to incorporate Tendler's teaching into Stanczak et al. in view of Thacker et al.'s teaching because it would determine whether a specific pet is within the proximity of the door and proper action concerning the opening of the door would be performed.

As per claim 11, Stanczak et al. teach the system as stated above except for a battery provided in the portable housing for powering the control and the transmitter.

Tendler teaches this feature (see paragraph [0024]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Tendler's teaching into Stanczak et al.'s teaching because it would provide power for the control and the transmitter. Therefore, functionality of the system would be uninterrupted.

Response to Arguments

5. Applicant's arguments filed 7/2/08 have been fully considered but they are not persuasive.

Applicant argues that the specification of the present invention discloses "...display 710 indicates that a first motion has a sensitivity level of 5, e.g., on a *scale of one through ten* and that a second motion sensor is configured in a "pet immune on" mode which means that the sensitivity of the motion sensor 125 is reduced to avoid triggering an alarm when a pet is present (emphasis added)."

Examiner does not see that "the pet immune on mode" is claimed. Therefore, the rejection is maintained.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Charoui whose telephone number is (571) 272-2213. The examiner can normally be reached Monday through Friday, from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohamed Charioui

9/29/08

/Edward Raymond/

Primary Examiner, Art Unit 2857